

**Before the
Federal Communications Commission
Washington, D.C. 20554**

Yellow Book USA, Inc.,)	
)	
Complainant,)	
)	
v.)	File No. EB-01-MD-011
)	
Broadwing Inc. and Cincinnati Bell)	
Telephone Company,)	
)	
Defendants.)	

ORDER

Adopted: October 26, 2001

Released: October 29, 2001

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On May 2, 2001, Yellow Book USA, Inc. ("Yellow Book") filed a complaint against Broadwing Inc. and Cincinnati Bell Telephone Company (together "CBT") seeking injunctive and declaratory relief and damages under section 222(e) of the Communications Act of 1934, as amended.¹ Yellow Book's claims concern CBT's rates and terms for the provision of (i) basefile subscriber list information, defined at Section 64.2305(a) of the FCC's Rules, 47 C.F.R. § 64.2305(a), and (ii) updated subscriber list information, defined at Section 64.2305(h) of the FCC's rules, 47 C.F.R. § 64.2305(h). CBT denied Yellow Book's claims. On October 24, 2001, Yellow Book filed a Motion For Voluntary Dismissal, in which it requests that the Commission dismiss with prejudice its complaint against CBT because the parties have reached a settlement of the dispute at issue.²

2. We are satisfied that dismissing this complaint will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of further time and resources of the parties and of this Commission.

3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), 208, and 222(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 208, and 222(e), and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that Yellow Book's Motion For Voluntary Dismissal IS GRANTED.

¹ 47 U.S.C. § 222(e).

² During a teleconference held with both parties on October 24, 2001, counsel for CBT confirmed the resolution of this matter.

4. IT IS FURTHER ORDERED, pursuant to sections 1, 4(i), 4(j), 208, and 222(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 208, and 222(e), and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the above-captioned complaint IS DISMISSED WITH PREJUDICE and that this proceeding is TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Market Disputes Resolution Division
Enforcement Bureau